§ 35-0105. Distribution and sale of household cleansing products; possession or use of household cleansing products containing phosphorus by commercial establishments restricted.

1. No person shall distribute, sell, offer or expose for sale in this state any household cleansing product unless its wrapper or container shall be plainly labeled as provided in this subdivision. The commissioner may by rule or regulation exempt products shipped or distributed in bulk from provisions of this subdivision. The wrapper or container of every household cleansing product must list the weight of each ingredient which the commissioner determines may affect adversely human health or the environment, including but not limited to phosphorus. Such listing shall be by percentage of total weight of such product and by grams per recommended use, in descending order of predominance. Labeling of ingredients shall be in accordance with the nomenclature established by regulation of the commissioner. The percentage by weight in the container and the weight in grams per recommended use level of each ingredient shall be expressed to at least two significant figures or as specified by the commissioner. Analyses to determine actual composition shall be performed in accordance with rules and regulations of the commissioner.

2. a. (1) No household cleansing product, except those used in dishwashers, food and beverage processing equipment, and dairy equipment, shall be distributed, sold, offered or exposed for sale in this state which contains a phosphorus compound other than such trace concentrations as may be authorized by the commissioner by regulation.

(2) No household cleansing product used in dishwashers shall be distributed, sold, offered or exposed for sale in this state which contains a phosphorus compound in excess of five-tenths percent by weight expressed as phosphorus.

(3) No household cleansing product used in food and beverage processing equipment and dairy equipment shall be distributed, sold, offered or exposed for sale in this state which contains a phosphorus compound in excess of eight and seven-tenths percent by weight expressed as phosphorus.

b. No owner, occupant, or person in control of a commercial establishment shall possess or use or authorize any other person by way of service contract or other arrangement to possess or use in this state any household cleansing product which contains a phosphorus compound in excess of the amount allowed for such product under paragraph a of this subdivision.

3. No person shall distribute, sell, offer or expose for sale in this state any household cleansing product which does not comply with regulations of the commissioner promulgated pursuant to subdivision 3 of section 35-0107.

4. No household cleansing product shall be distributed, sold, offered or exposed for sale in this state which contains 1,4-dioxane other than such trace concentrations; such trace concentrations shall not exceed two parts per million by December thirty-first, two thousand twenty-two; and further, shall not exceed one part per million by December thirty-first, two thousand twenty-three.

5. No later then May first, two thousand twenty-five, and every two years thereafter, the department, in consultation with the department of health, shall review such trace concentration thresholds and determine whether such concentrations shall be lowered to better protect human health and the environment.

6. A manufacturer of a household cleansing product, otherwise subject to the requirements of subdivision four of this section, may apply to the department for a one-year waiver from such requirements for a specific household cleansing product, upon such proof that the manufacturer has taken steps to reduce the presence of 1,4-dioxane in that product and is unable to comply with the requirements of subdivision four of this section. Thereafter, a manufacturer may apply for one additional one-year waiver for such product, upon such the satisfaction of such similar proof.

7. The department is authorized to promulgate such rules and

regulations as it shall deem necessary to implement the provisions of this section, including rules and regulations with respect to any allowable trace concentrations.